

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

TUESDAY, THE 7TH DAY OF JULY 2015/16TH ASHADHA, 1937

WP(C).NO. 19329 OF 2015 (M)

PETITIONER(S):

SAJAN AMBADIYIL
SCIENTIST (RESEARCH) & HEAD OF THE DEPARTMENT
DESIGN AND RESEARCH
OPTICAL IMAGE PROCESSING DIVISION
CENTRE FOR DEVELOPMENT OF IMAGING TECHNOLOGY (C-DIT)
CHITRANJALI HILLS, THIRUVALLAM P.O.
THIRUVANANTHAPURAM, PIN - 695 027.

BY ADVS.SRI.S.P.ARAVINDAKSHAN PILLAY
SMT.N.SANTHA
SRI.K.A.BALAN
SRI.V.RAMACHANDRAN (VAIKOM)
SRI.V.VARGHESE
SRI.PETER JOSE CHRISTO
SRI.S.A.ANAND

RESPONDENT(S)/RESPONDENTS:-:

1. STATE OF KERALA
REPRESENTED BY THE SECRETARY TO GOVERNMENT
INFORMATION AND PUBLIC RELATIONS DEPARTMENT
SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695 001.

2. CENTRE FOR DEVELOPMENT OF IMAGING TECHNOLOGY (C-DIT)
CHITRANJALI HILLS, THIRUVALLAM P.O.
THIRUVANANTHAPURAM, PIN - 695 027
REPRESENTED BY ITS DIRECTOR.

3. DIRECTOR
CENTRE FOR DEVELOPMENT OF IMAGING
TECHNOLOGY (C-DIT)CHITRANJALI HILLS
THIRUVALLAM P.O., THIRUVANANTHAPURAM, PIN - 695 027

R2 & 3 BY ADV. SRI.C.S.AJITH PRAKASH, SC, C-DIT
BY GOVERNMENT PLEADER SMT.LOWSY.A

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
07-07-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S) ' EXHIBITS

P1- TRUE COPY OF THE LETTER NO. DCM(PLG)NO.4725/10.01.12/2014-15 DT. 08.5.15 OF THE GENERAL MANAGER OF THE RESERVE BANK OF INDIA ADDRESSED TO THE DIRECTOR C-DIT.

P2 - TRUE COPY OF THE NOTE NO. C-DIT/OIP/11-02/REG/265 DT. 30.11.02 OF THE HEAD, OPTICAL IMAGE PROCESSING DIVISION OF C-DIT.

P3 - TRUE COPY OF THE ORDER NO.C-DIT/3/ADMN/EST/2002/82 DT. 10.12.02 OF THE REGISTRAR OF C-DIT.

P4 - TRUE COPY OF THE ORDER NO. C-DIT/ADMN/EST/189/03 DT. 29.12.03 OF THE REGISTRAR, C-DIT.

P5 - TRUE COPY OF THE NOTIFICATION PUBLISHED IN THE MATHRUBUMI THOZHIL VARTHA DT. 27.1.07.

P6 - TRUE COPY OF THE MEMO NO. 208/ADMN/C-DIT/2007 DT. 06.12.07 OF THE REGISTRAR OF C-DIT.

P7 - TRUE COPY OF THE REPRESENTATION DT. 03.1.08 SUBMITTED BY THE PETITIONER BEFORE THE REGISTRAR OF C-DIT.

P8 - TRUE COPY OF THE ORDER NO.24/ADMN/A2/REG. C-DIT/2008 DT. 23.2.08 OF THE REGISTRAR OF C-DIT.

P9 - TRUE COPY OF THE RELEVANT EXTRACT OF ORDER NO. 153/A2/ADMN/C-DIT/2015 DT. 22.4.15 THE REGISTRAR OF C-DIT.

P10 - TRUE COPY OF THE RELEVANT EXTRACT OF GOVERNMENT LETTER NO. 535/A2/ADMN/C-DIT/2013 DT. 22.11.13.

P11 - TRUE COPY OF THE ORDER NO. 24/A1/ADMN/2014/C-DIT DT. 09.1.14 OF THE REGISTRAR OF C-DIT.

P12 - TRUE COPY OF THE CIRCULAR NO. 03/RO/2014-C-DIT DT. 30.1.14 ALONG WITH THE OPTION FORM OF THE REGISTRAR OF C-DIT.

P13 - TRUE COPY OF THE REPRESENTATION DT. 14.2.14 SUBMITTED BY THE PETITIONER BEFORE THE REGISTRAR OF C-DIT.

P14 - TRUE COPY OF THE REPRESENTATION DT. 05.4.15 SUBMITTED BY THE PETITIONER BEFORE THE HON'BLE MINISTER FOR INFORMATION AND PUBLIC RELATIONS, WHO IS THE VICE CHAIRMAN OF C-DIT.

P15 - TRUE COPY OF THE NOTE TO THE HON'BLE MINISTER ON 27.5.15 OF THE 3RD RESPONDENT.

P16 - TRUE COPY OF THE LETTER DT. 12.6.15 OF THE 3RD RESPONDENT ADDRESSED TO THE REGISTRAR OF THE KERALA SCHEDULED CASTES/SCHEDULED TRIBES COMMISSION ALONG WITH THE REPORT MENTIONED THEREIN.

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P17 - TRUE COPY OF THE GO(MS) NO. 17/2003/CAD DT. 12.5.03.

P18 - TRUE COPY OF THE RELEVANT EXTRACT OF C-DIT STAFF RECRUITMENT RULES.

P19 - TRUE COPY OF THE GO(MS) NO. 25/03/CAD DT. 09.7.03

P20 - TRUE COPY OF THE RELEVANT EXTRACT OF CSIR SCIENTISTS RECRUITMENT AND ASSESSMENT PROMOTION RULES, 2001.

P21 - TRUE COPY OF THE LETTER DT. 25.2.14.

P22 - TRUE COPY OF THE APPLICATION DT. 06.2.14 SUBMITTED BY ONE SRI.V.R.SWAMINATHAN UNDER RIGHT TO INFORMATION ACT.

P23 - TRUE COPY OF THE GO(MS) NO.9/2015/I&PRD DT. 06.6.15.

P24 - TRUE COPY OF THE ORDER NO. 231/A1/ADMN/C-DIT/2015 DT. 19.6.15 OF THE REGISTRAR OF C-DIT.

P25 - TRUE COPY OF THE REPRESENTATION DT. 22.6.15 SUBMITTED BY THE PETITIONER BEFORE THE 3RD RESPONDENT.

RESPONDENT(S) ' EXHIBITS:NIL

//TRUE COPY//

P.A TO JUDGE

A.K.JAYASANKARAN NAMBIAR, J.

.....
W.P.(C).No.19329 of 2015

.....
Dated this the 7th day of July, 2015

J U D G M E N T

The petitioner, who is presently working as Scientist with the 2nd respondent organization, on contract basis, is aggrieved by a decision taken by the respondents to regularise him in the category of Research Assistant. It is the case of the petitioner in the writ petition that, if a relaxation from the tenure service period in the category of Scientist is extended to him by virtue of his Caste status as OBC, then the petitioner will be entitled for a regularisation as Scientist itself under the 2nd respondent organisation. In this connection, he has preferred Ext.P14 representation before the Government, and it is his expectation that, on account of the Ext.P15 recommendation that has been issued in his favour, and was forwarded to the Government for consideration, the 1st respondent State Government will take a decision in his favour. His prayer in the writ petition is for a direction to the 1st respondent to consider and pass orders expeditiously on Ext.P14 representation that has been preferred by him before the said respondent. It is also prayed that till such time as orders are passed by the 1st respondent, he be permitted to continue under the 2nd respondent in the present post as Scientist.

2. I have heard the learned counsel for the petitioner, learned Standing counsel for the 2nd and 3rd respondents and the learned Government Pleader for the 1st respondent.

3. On a consideration of the facts and circumstances of the case and the submissions made across the bar, I dispose the writ petition with a direction to the 1st respondent to consider and pass orders on Ext.P14 representation, which is addressed to the Minister for Information and Public Relations, who is the Vice Chairman of the 2nd respondent organization, expeditiously and after hearing the petitioner. While passing orders, as directed, on the representations submitted by the petitioner, the 1st respondent shall also take note of Ext.P15 recommendation that was issued in favour of the petitioner. The 1st respondent shall pass orders on Ext.P14 representation within a period of two months from the date of receipt of a copy of this judgment. I make it clear that, till such time as the 1st respondent passes orders as directed, and communicates the same to the petitioner, the petitioner shall be permitted to continue in his present post as Scientist under the 2nd respondent. To enable the 1st respondent to pass orders in the matter, I direct the petitioner to

produce a copy of the writ petition together with a copy of this judgment before the 1st respondent for further action.

A.K.JAYASANKARAN NAMBIAR
JUDGE

mns

The word 'OBC' occurring in the 2nd sentence of paragraph 1 of the judgment dated 07.07.2015 in W.P.(C).No.19329/2015 is corrected as 'SC' as per order dated 23/07/2015 in I.A.No.10214/2015.

Sd/-
Registrar (Judicial)